

1 DAVID L. BALSER (*pro hac vice*)  
dbalser@mckennalong.com  
2 NATHAN L. GARROWAY (*pro hac vice*)  
ngarroway@mckennalong.com  
3 THUY V. TAITT (*pro hac vice*)  
ttaitt@mckennalong.com  
4 MCKENNA LONG & ALDRIDGE LLP  
303 Peachtree Street, N.E., Suite 5300  
5 Atlanta, GA 30308  
Telephone: (404) 527-4000  
6 Facsimile: (404) 527-4198

7 PATRICK M. MALONE (SBN. 167433)  
MCKENNA LONG & ALDRIDGE LLP  
8 101 California Street  
41<sup>st</sup> Floor  
9 San Francisco, CA 94111  
Telephone: (415) 267-4000  
10 Facsimile: (415) 267-4198  
Email: pmalone@mckennalong.com

11 Attorneys for Defendant AT&T Mobility LLC  
12 f/k/a Cingular Wireless LL

13  
14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16

17 DAVID and LISA FAIGMAN,  
individually and on behalf of a class of  
18 other similarly situated,

19 Plaintiffs,

20 v.

21 AT&T MOBILITY LLC F/K/A  
CINGULAR WIRELESS LLC and DOES  
22 1 through 100, inclusive,

23 Defendants.

CASE NO. 3:06cv04622 MHP

**STIPULATION REGARDING CLASS  
CERTIFICATION HEARING**

Judge: Hon. Marilyn H. Patel  
Date: December 8, 2008  
Time: 2:00 P.M.  
Ctroom: Courtroom 15, 18th Floor

24 Please take notice that after mediating with Justices Howard B. Wiener and Edward A.  
25 Panelli, the parties to this action have signed a settlement term sheet to resolve this putative class  
26 action, together with *Todd Struyk v. AT&T Mobility LLC*, 3:07-cv-1314-BEN-CAB ("Struyk")  
27 pending in the United States District Court, Southern District of California. Assuming a  
28

1 settlement agreement can be finalized, the parties plan to file their Motion for Preliminary  
2 Approval of the Proposed Class Action Settlement on or before January 12, 2009. The settlement  
3 contemplates that the *Struyk* action will be stayed during the settlement approval process.

4 WHEREFORE, the parties request that this court adjourn the class certification hearing  
5 scheduled for December 8, 2008.

6 **PURSUANT TO STIPULATION, IT IS SO ORDERED**



1 Dated: December 4, 2008

By: /s/ Esther L. Klisura

BRUCE L. SIMON  
ESTHER L. KLISURA  
Pearson, Simon, Soter,  
Warshaw & Penny, LLP  
44 Montgomery Street, Suite 1200  
San Francisco, California 94103  
Telephone: (415) 433-9000  
Facsimile: (415) 433-4008  
Email: [bsimon@psswplaw.com](mailto:bsimon@psswplaw.com)  
Email: [eklisura@psswplaw.com](mailto:eklisura@psswplaw.com)

CLIFFORD H. PEARSON  
GARY S. SOTER  
Pearson, Simon, Soter,  
Warshaw & Penny, LLP  
15165 Ventura Boulevard, Suite 400  
Telephone: (818) 788-8300  
Facsimile: (818) 788-8104  
Email: [cpearson@psswplaw.com](mailto:cpearson@psswplaw.com)  
Email: [gsoter@psswplaw.com](mailto:gsoter@psswplaw.com)

HARVEY ROSENFELD  
PAMELA PRESSLEY  
Foundation For Taxpayer And Consumer  
Rights  
1750 Ocean Park Boulevard, Suite 200  
Santa Monica, CA 90405  
Telephone: (310) 392-0522  
Facsimile: (310) 392-8874  
Email: [harvey@consumerwatchdog.org](mailto:harvey@consumerwatchdog.org)

REGINALD TERRELL  
The Terrell Law Group  
223 25th Street  
Richmond, California 94804  
Telephone: (510) 237-9700  
Facsimile: (510) 237-4616  
Email: [reggiet2@aol.com](mailto:reggiet2@aol.com)

DONALD AMAMGBO  
Amamgbo & Associates  
Oakport, Suite 4900  
Oakland, California 94621  
Telephone: (510) 615-6000  
Facsimile: (510) 615-6025  
Email: [donald@amamgbolaw.com](mailto:donald@amamgbolaw.com)

*Attorneys for David Faigman and the  
Proposed Class*

1 Dated: December 4, 2008

By: /s/ Nathan L. Garroway

PATRICK MALONE  
McKenna Long & Aldridge LLP  
101 California Street  
41<sup>st</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 267-4000  
Facsimile: (415) 267-4198  
Email:  
[patrickmalone@mckennalong.com](mailto:patrickmalone@mckennalong.com)

DAVID L. BALSER  
(Admitted *Pro Hac Vice*)  
NATHAN L. GARROWAY  
(Admitted *Pro Hac Vice*)  
McKenna Long & Aldridge LLP  
303 Peachtree Street, N.E., Suite 5300  
Atlanta, GA 30308  
Telephone: (404) 527-4000  
Facsimile: (404) 527-4198  
Email: [dbalser@mckennalong.com](mailto:dbalser@mckennalong.com)

*Attorneys for Defendant AT&T Mobility  
LLC f/k/a Cingular Wireless LLC*

**CERTIFICATE OF SERVICE**

This is to certify that on December 4, 2008, I electronically filed the within and foregoing **Stipulation** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Bruce L. Simon  
Esther L. Klisura  
Harvey Rosenfield  
Pamela Pressley  
Felicia Y. Feng  
David L. Balser  
Nathan L. Garroway  
Thuy V. Taitt  
Patrick Malone

By: /s/ Nathan L. Garroway

NATHAN L. GARROWAY  
(Admitted *Pro Hac Vice*)  
McKenna Long & Aldridge LLP  
303 Peachtree Street, N.E., Suite 5300  
Atlanta, GA 30308  
Telephone: (404) 527-4000  
Facsimile: (404) 527-4198  
Email: ngarroway@mckennalong.com